

REMARKS/ARGUMENTS

Status of the Claims

Claims 1-46 are currently pending in the application. Claims 7-9 have been amended. No new matter has been added by the amendments. No claims have been added. No claims have been cancelled. Therefore, claims 1-46 are present for examination. Claims 1, 22 and 35 are independent claims. Applicant respectfully requests reconsideration of this application as amended.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-46 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Applicants direct the Examiner to page 2, paragraph 0003, lines 8 and 9 of Applicants' Specification to find support for the newly added subject matter in the Office Action response of April 6, 2009. This section of Applicants' Specification incorporates by reference, in its entirety U.S. Pat. Appl. No. 10/445,275, filed May 23, 2003, which is U.S. Patent No. 7,264,590 issued to Casey et al. relied upon in the 35 U.S.C. § 102(e) below. Thus, Applicants respectfully submit that the present claims comply with the written description requirement under 35 U.S.C. § 112, first paragraph. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 7-13 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7-9 have been amended to overcome this rejection. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim Rejections Under 35 U.S.C. §102

Claims 1-8, 12-13, 17-19, 21-25, 27-28, 32-33, 35-37, 39-40 and 44-45 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,264,590 issued to Casey et al. (“Casey”).

Applicants respectfully submit that Casey is not prior art under 35 U.S.C. § 102(e). Specifically, 35 U.S.C. § 102(e) states, in pertinent part:

e) the invention was described in - ... (2) *a patent granted on an application for patent by another* filed in the United States before the invention by the applicant for patent (emphasis provided).

Applicants submit that Casey is a granted patent, however, Casey is not “by another”, as required by 35 U.S.C. § 102(e). Specifically, Casey and the instant application have the common inventors of “Steven M. Casey” and “Bruce A. Phillips”, as well as a common assignee of “Qwest Communications International, Inc.” Thus, for at least these reasons, Applicants submit that Casey does not qualify as prior art under 35 U.S.C. § 102(e). Accordingly, Applicants respectfully request that this rejection be withdrawn, and the present claims be allowed.

Claim Rejections Under 35 U.S.C. §103

Claims 9-11, 15-16, 20, 26, 30-31, 34, 38, 42-43 and 46 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Casey as applied to claim 1 above, in view of U.S. Patent No. 6,970,127 to Rakib (“Rakib”). Claims 14, 29 and 41 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Casey as applied to claim 1 above, in view of U.S. Patent No. 5,694,616 to Johnson et al. (“Johnson”).

Claims 9-11, 14-16, 19, 20, 26, 30-31, 34, 38, 41-43, and 46 depend from one of allowable independent claims 1, 22, or 35. Thus, by virtue of their dependence on an allowable independent claim, Applicants submit that claims 9-11, 14-16, 19, 20, 26, 30-31, 34, 38, 41-43, and 46 are also allowable. Accordingly, Applicants respectfully request that these rejections be withdrawn.

Appl. No. 10/624,454
Amdt. dated August 3, 2009
Reply to Office Action of May 1, 2009

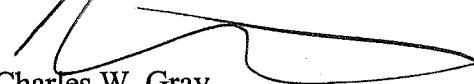
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Applicants do not acquiesce to any objection, rejection, or argument not specifically addressed herein. Rather, Applicants believe the amendments and arguments contained herein overcome all objections, rejections, or arguments.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


Charles W. Gray
Reg. No. 61,345

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
Attachments
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